

2020 EXECUTIVE SUMMARY

THE VIRGINIA COMMISSION ON YOUTH



**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**

REPORT DOCUMENT 34

**COMMONWEALTH OF VIRGINIA
RICHMOND
2021**



COMMONWEALTH of VIRGINIA
Commission on Youth

Senator David W. "Dave" Marsden, *Chair*
Delegate Emily Brewer, *Vice Chair*

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January 11, 2021

TO: The Honorable Ralph S. Northam
and Members of the General Assembly

Pursuant to the provisions of the *Code of Virginia* (§§ 30-174 and 30-175) establishing the Virginia Commission on Youth and setting forth its purpose, I have the honor of submitting herewith the Executive Summary for the calendar year ending December 31, 2020.

This Executive Summary includes the activity and work conducted by the Virginia Commission on Youth during the 2020 study year, as required by § 30-175. The Commission has enjoyed a busy year and has produced excellent work to support Virginia's families and youth.

Final reports of the studies conducted will be made available on the Commission on Youth's website at <http://vcoy.virginia.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Dave Marsden".

Dave Marsden

2020

VIRGINIA COMMISSION ON YOUTH

Senate of Virginia

Barbara A. Favola
Dave W. Marsden, Chair
David R. Suetterlein

House of Delegates

Rob B. Bell
Emily M. Brewer, Vice Chair
Joshua G. Cole
Karrie K. Delaney
Elizabeth R. Guzman
Jerrauld C. "Jay" Jones

Gubernatorial Appointments from the Commonwealth at Large

Deirdre S. Goldsmith
Avi D. Hopkins
Christian Rehak

Commission Staff

Amy M. Atkinson, Executive Director
Will Egen, Senior Policy Analyst
Christine Wilcox, Policy Editor

EXECUTIVE SUMMARY

Virginia Commission on Youth – Background

Enabling Authority

§ 30-174 and § 30-175

Established in statute by the 1989 General Assembly, the Virginia Commission on Youth represents a legislative response to a two-year study examining the issues related to services to chronic status offenders. Virginia Code directs the Commission "to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and families." Enacted in 1989, the Commission began operations in 1991.

The Commission on Youth is comprised of nine members of the General Assembly and three citizens appointed by the Governor (§ 30-174). Six Commission members from the House of Delegates are appointed by the Speaker of the House. Three Commission members from the Senate are appointed by the Senate Committee on Rules.

Legislative Study

Legal Guardianship of a Minor by Court Petition

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2019 study year, the Commission on Youth reviewed Virginia's foster care system. At its December 4, 2019, meeting, the Commission approved nineteen recommendations in the areas of workforce recruitment and retention, Fostering Futures, kinship care, and foster care family recruitment and retention. As a result of feedback from local department site visits during its study, the Commission determined that guardianship of a minor by court petition is a potential legal arrangement that needed to be explored further. In other states, a person interested in the welfare of a minor will seek guardianship to prevent that child's involvement with the foster care system.

The Commission adopted the following recommendation related to guardianship at its December 4, 2019, meeting:

- Direct the Commission on Youth to study adding guardianship of a minor as a legal arrangement in Virginia by creating an Advisory Group to:
 - a. Look at the benefits as well as the obstacles this change would create.
 - b. Determine the potential impact on school enrollment and medical care.
 - c. Investigate what would be the rights of the parties in such an arrangement.
 - d. Explore the possible implementation of state-funded guardianship assistance.

At its June 17, 2020, meeting, the Commission approved a study plan on legal guardianship of a minor by court petition.

The Commission on Youth commenced its study and conducted three Advisory Group meetings with interested stakeholders throughout the summer and fall on the following dates: June 15, July 20, and October 6, 2020.

Draft study findings and recommendations were presented at the Commission's October 21, 2020, meeting. The Commission received written public comment through December 2. After receiving public comment at the December 9, 2020, meeting, the Commission on Youth approved the following recommendations:

Guardianship

Recommendation 1

Request that the Virginia Department of Social Services convene a study group with impacted stakeholders to study ways to develop full/permanent, temporary, and limited guardianship in Virginia to reflect the need for additional permanency goals for children. Further, request that the Virginia Department of Social Services complete its study and submit a final report with recommendations to the Commission on Youth and Governor by December 1, 2021.

For this work group, the Virginia Department of Social Services shall collaborate with the Virginia Family Law Coalition, family law attorneys, the Supreme Court of Virginia, Juvenile and Domestic Relations District Court judges, local departments of social services, advocates, parents, and any other interested stakeholders that it deems appropriate.

Family Partnership Meetings

Recommendation 2

Request the Board of Social Services develop regulations for the use of family partnership meetings by local departments.

Kinship Navigator

Recommendation 3

Introduce a budget amendment to enact funding for a statewide Kinship Navigator Program. The budget amendment amount will be based on input from the Virginia Department of Social Services.

Diversion Program Supports

Recommendation 4

Request by letter and direct by budget amendment for the Virginia Department of Social Services to create a diversion program supporting relative and fictive kin families who have received temporary physical and legal custody from the court. DSS shall develop a diversion program that makes use of all federal and state monies available to provide a payment to relative and fictive kin families who have temporary custody through a court order that is equal to the monthly payments that current foster care families receive. DSS shall investigate the feasibility of using Family First dollars as a part of this payment. The Department shall report back to the Commission on Youth by November 30, 2021, with the steps needed to implement the diversion program.

Legislative Study

Education in Local Detention Centers

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

As a result of Virginia's recent juvenile justice reform efforts, the average daily population in local detention centers has decreased dramatically. However, the funding level for education provided in these centers has increased. At its June 17, 2020, meeting, the Commission approved a study to investigate issues related to education in local detention centers, including the following:

- Assess local juvenile detention centers' education systems and how education is delivered.
- Conduct an overview of other state operated programs for children in residence or in the custody of state agencies.
- Review education-related state and federal laws and regulations related to detained youth.
- Make recommendations to improve the efficiency and effectiveness of educational services in local detention centers.

Following the adoption of the study plan, Commission staff conducted a study on education in local and regional detention centers. The Commission convened an Advisory Group of stakeholders and held two virtual meetings. Draft study findings and recommendations were presented at the Commission's October 21, 2020, meeting. The Commission received written public comment through December 2. After receiving public comment at the December 9, 2020, meeting, the Commission on Youth approved the following recommendation:

Recommendation

Introduce a budget amendment directing the Board of Education to recommend (i) appropriate staffing and funding levels necessary for State Operated Programs (SOP) in regional and local detention centers to provide a quality educational program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings.

The Board shall consider (i) the dramatic decrease in the Average Daily Population in detention centers over the course of two decades without a comparable decrease in state funding; (ii) establishing a system-wide staffing ratio that is comparable to those provided in Regional Alternative Education Programs and aligned with the staffing requirements provided in the federal Prison Rape Elimination Act; (iii) implementing efficiencies, such as sharing SOP instructional staff with participating school divisions, hiring part-time teachers and

dually-certified teachers and principals, and utilizing lead teachers in lieu of a full-time principals in programs with a low average daily population; (iv) changes to SOP operating agreements to facilitate more efficient staffing practices and to clarify the role of the state and school divisions in hiring and supervising SOP instructional staff; (v) increasing the use of enhanced distance learning; and (vi) the draft recommendations deliberated by the Commission on Youth from the 2020 study.

Legislative Study

Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

SJR 358 (2003) directed the Commission on Youth to update biennially its publication, the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs (Collection)*. The purpose of the *Collection* is to identify effective treatment modalities for children, including juvenile offenders, with mental health treatment needs. Utilization of evidence-based practices in the field of children's mental health promotes better patient outcomes and may offer the Commonwealth some cost savings.

Senate Joint Resolution 358 also mandated that the Commission disseminate the *Collection* via web technologies. As specified in the resolution, the Commission received assistance in disseminating the *Collection* from the Advisory Group, the Secretary of Health and Human Resources, the Secretary of Education, and the Secretary of Public Safety.

The Commission on Youth directed staff at the June 17, 2020, meeting to:

- Revise the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs*. The *Collection* is to be revised biennially pursuant to Senate Joint Resolution 358 (2003).

- Seek the assistance of the *Collection* Update Advisory Group, Secretary of Health and Human Resources, Secretary of Public Safety, and Secretary of Education in posting, maintaining, and biennially updating the *Collection*.
- Make the *Collection* available through web technologies.
- Develop a cost-effective and efficient dissemination method to allow for easy access to the information.

Commission Initiative

Covid Relief for Youth Aging Out of Fostering Futures

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The Commission on Youth requested a presentation from the Department of Social Services on its response to the Covid-19 pandemic in regard to child welfare. At the October 21, 2020, meeting of the Commission on Youth, DSS gave its presentation. One key point pertained to Fostering Futures payments for youth aging out of the program. The Department explained that to help support foster youth who turned 21 during the pandemic, DSS used federal independent living funds to make emergency payments. However, these funds are set to expire in December 2020. Senator Favola asked how payments could be extended beyond December and Senator Marsden requested that DSS staff to explore ways to extend funding and submit any findings to the Commission by the December 9, 2020, meeting. At the December 9, 2020, meeting, the Commission on Youth approved the following recommendation:

Recommendation

Introduce a budget amendment to extend financial support to youth aging out of Fostering Futures at age 21 until September 2021. Current funding utilizing the federal John H. Chafee Foster Care Program for Successful Transition to Adulthood funds ends in January 2021. The Department of Social Services shall investigate federal funding opportunities that may become available to support youth aging out of the Fostering Futures program and shall draw down such federal funding as it may become available with the goal of support through September 2021.